

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

DAVID W. PIMENTEL,

Plaintiff,

vs.

COUNTY OF SONOMA, et al.,

Defendants.

Case No: C 08-2121 SBA

ORDER TO SHOW CAUSE

Plaintiff failed to appear for a telephonic Case Management Conference set for October 8, 2008. Dkt. 34. On October 14, 2008, the Court issued an Order to Show Cause as to why the case should not be dismissed pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute. Id. The Court set a hearing for November 12, 2008, during which Plaintiff informed the Court that he was unable to appear as a result with an emergency involving his grandmother. Dkt. 36. The Court vacated its Order to Show Cause. Id. On February 25, 2009, a telephonic Case Management Conference was scheduled and Plaintiff again failed to appear. Dkt. 46. The case was continued to April 1, 2009 for an Order to Show Cause as to why the case should not be dismissed for failure to prosecute. Id. Although the Order to Show Cause hearing was not held, Plaintiff has made no contact with the Court or otherwise prosecuted this action since he filed his last case management statement on February 18, 2009. Dkt. 44. Accordingly,

IT IS HEREBY ORDERED THAT Plaintiff shall show cause in writing why the instant action should not be dismissed under Federal Rule of Civil Procedure 41(b) for failure to prosecute. Within ten (10) days of the date this order is filed, Plaintiff shall file a memorandum explaining why the action should not be dismissed. The memorandum, which shall be entitled, "Response to Order to Show Cause," shall set forth the nature of the

1 cause, its present status, the reason it has not been brought to trial or otherwise terminated,
2 any basis for opposing dismissal and its expected course if not dismissed. FAILURE TO
3 FULLY COMPLY WITH THIS ORDER WILL BE DEEMED SUFFICIENT GROUNDS
4 TO DISMISS THE ACTION, WITHOUT FURTHER NOTICE.

5 IT IS SO ORDERED.

6
7
8 Dated: August 17, 2011


SAUNDRA BROWN ARMSSTRONG
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 PIMENTEL et al,

5 Plaintiff,

6 v.

7 COUNTY OF SONOMA et al,

8 Defendant.

9 Case Number: CV08-02121 SBA

10 **CERTIFICATE OF SERVICE**

11
12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
13 Court, Northern District of California.

14 That on August 17, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said
15 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
16 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
17 located in the Clerk's office.

18 David W. Pimentel
19 1192 Liberty Road
20 Petaluma, CA 94952

21 Dated: August 17, 2011

Richard W. Wieking, Clerk

22 By: LISA R CLARK, Deputy Clerk
23
24
25
26
27
28